

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2011-16
Petition of Aliana von Richthofen
7 Hampden Street

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, March 10, 2011 on the petition of ALIANA VON RICHTHOFEN requesting extension of a Special Permit (ZBA 2009-05) that was granted on February 19, 2009 pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw for construction of an 11.5 foot by 13.1 foot garage, construction of a 22.1 foot by 30.4 foot one-story addition, and construction of an 8 foot by 30.4 foot deck with less than required right side yard setbacks, at 7 HAMPDEN STREET.

On February 22, 2011, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Aliana von Richthofen (the "Petitioner"). She said that the Special Permit had previously been extended. She said that she would like to have the Special Permit extended again for two more years.

The Board explained that a State law was passed that automatically renewed this permit for two years. Ms. von Richthofen said that she would prefer to have the Board vote on this and then record the decision at the Registry of Deeds.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 7 Hampden Street, with a minimum left side yard setback of 8.8 feet and a minimum right side yard setback of 14.1 feet, in a 10,000 square foot Single Residence District.

The Petitioner is requesting extension of Special Permit ZBA 2009-05 that was granted on February 19, 2009 by the Zoning Board of Appeals.

On March 8, 2011, the Planning Board reviewed the petition and was of the opinion that no action is required at this time.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that extension of Special Permit 2009-05 for construction of an 11.5 foot by 13.1 foot garage, construction of a 22.1 foot by 30.4 foot one-story addition, and construction of an 8 foot by 30.4 foot deck with less than required right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for extension of Special Permit 2009-05.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm